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RIGHTS OF PERSONS BELONGING TO NATIONAL OR ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES

Written statement submitted by Human Rights Watch, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[6 March 1997]

Bosnia and Herzegovina

1. Ethnic groups remaining in areas where they are not - or no longer - the majority have continued to suffer intimidation and harassment throughout Bosnia and Herzegovina since the signing of the Dayton agreement. The Dayton agreement emphasized the right of displaced persons and refugees to return to their homes and provided assurances by the parties that all persons would be protected under the law. Despite these promises, there has been little progress in the repatriation of minorities to majority areas. Those who have tried to return have often been turned away by violent mobs; housing belonging to minorities has been destroyed. There has been little focus, with the possible exception of Mostar, on the continuing and pervasive persecution of ethnic minorities and on the right to remain. The rule of law does not, in fact, exist in many areas of Bosnia and Herzegovina, and police and courts serve as instruments of the anti-minority policies of the entity or municipal governments. Ethnic minorities have little or no political representation, and the press continues in most instances to serve a nationalist agenda.

2. Absent the protection supposedly guaranteed under domestic law and under the Dayton agreement, and given the fact that the international Stabilization Force (SFOR), the International Police Task Force (IPTF) and other organizations claim to have no direct responsibility for the protection of those without civil rights, a "security gap" exists, where there is almost no one to whom minorities can turn for assistance. Even when courts find on behalf of a minority plaintiff, the decision is rarely enforced. Although a number of evicted individuals have had their housing rights reinstated, they have rarely been able to reoccupy dwellings without great difficulty, and even if allowed to move back in, they continue to face harassment. Civil and/or military police are often directly involved in evictions, or refuse to intervene. Local housing and refugee officials in some municipalities are part of organized crime rings which engage in the "selling" of property belonging to minorities. In the case of West Mostar, the HVO (Bosnian Croat) military police appear to be directly involved in these mafia-type activities. The IPTF established an Eviction Team in Mostar, but to date they have tended only to react after the eviction has already occurred. Evictions in other parts of the country are taking place virtually unchecked, and the numbers are mounting. The result of this is a steady decline in the number of ethnic minorities, and a diminished possibility for return of their members.

3. Intimidation and harassment of ethnic minorities have been prevalent in the following areas: throughout Republika Srpska, but especially in Doboj/Teslic, Banja Luka, Prnjavor, Prijedor and in the Zone of Separation (Jusici, Gajevi, Brcko, etc.); and in the Federation towns of West Mostar, Bugojno, Sanski Most, Zavidovici and, markedly, in Sarajevo.

4. Human Rights Watch calls on the Commission on Human Rights to insist on the removal of police officers and officials who have participated in human rights abuses or failed to intervene, based upon reports from IPTF and human rights monitors; it should also demand that the Republika Srpska sign and implement an agreement with IPTF for the restructuring of the police force; and that the Federation comply with vetting procedures established within its own restructuring agreement (especially regarding the dismissal of police involved in human rights violations or those suspected of war crimes).

Syrian Kurds

5. Kurds are the largest non-Arab ethnic minority in the Syrian Arab Republic, comprising about 8.5 to 10 per cent of the population of 13.8 million. By the Syrian Government's own count in July 1996, this includes 142,465 stateless Kurds: 67,465 ajanib ("foreigners") and 75,000 maktumeen ("unregistered"). These Kurds have no claim to a nationality other than Syrian, and cannot relocate to another country because Syrian authorities do not issue them passports.

6. These stateless Kurds are not permitted to own land, housing or businesses, and do not have the right to vote or run for public office. They cannot be employed in State jobs; cannot practise as doctors or engineers; and are denied admission to public hospitals. They may not legally marry Syrian citizens; if they do so, the marriages are not legally recognized. The

"foreigners" are issued special identity cards, but the maktoumeen are not. Maktumeen are also not permitted to study beyond the ninth grade. Children born to stateless Syrian Kurdish men "inherit" the status of their fathers. Due to the high birth rate of Kurds, the number of stateless persons will continue to grow unless the situation is remedied.

7. Human Rights Watch calls on the Commission on Human Rights to request that the Syrian Government take immediate steps to redress the stateless status of all Kurds who were born in the Syrian Arab Republic, and offer citizenship to Kurds with strong ties to Syria by reason of birth, marriage or long residence in the country and who are not otherwise entitled to citizenship in other countries, in order to bring Syria into compliance with articles 12, 24 and 26 of the International Covenant on Civil and Political Rights. The Commission should also urge the Syrian Government to ensure that every child born in the Syrian Arab Republic has the right to acquire a nationality and is not stateless; and that Kurdish residents of Syria, citizens and stateless alike, are protected against discrimination on grounds such as race, language, political or other opinion, and national or social origin.

Karenni refugees

8. Human Rights Watch wishes to call the attention of the Commission on Human Rights to the attacks on Karenni refugees from Myanmar in Thailand and to a military offensive which has led to the flight of some 20,000 new refugees since the beginning of 1997.

9. In early January, heavily armed troops of the Myanmar military government, the State Law and Order Restoration Council (SLORC), attacked a refugee camp housing 13,000 Karenni refugees from Myanmar in Thailand's Mae Hong Son district. Three refugees were killed and eight seriously wounded in the attack. Later the same month, a militia group allied with the SLORC launched three simultaneous attacks on refugee camps in Thailand housing a total of over 40,000 Karen refugees. Three people, including a Thai citizen, were killed and two camps were razed, leaving nearly 10,000 refugees homeless. Mortar shells were launched into another camp nearby in early February, though no one was hurt.

10. The attacks on refugee camps in Thailand are a clear violation by the Myanmar Government of common article 3 of the Geneva Conventions of 1949, to which Myanmar is a signatory, prohibiting violence against persons taking no active part in hostilities.

11. Given the violent nature of these attacks, and the vulnerability of the refugees, it is imperative that the Royal Thai Government move the affected refugee camps, which are perilously close to the border, to an area where they can be adequately protected. Despite not being a signatory to the Convention relating to the Status of Refugees, Thailand is responsible for the security of persons who have sought refuge in its territory.

12. In early February 1997, the Myanmar Government launched a new, and possibly final, offensive against the Karen National Union (KNU) after

ceasefire talks between the two broke down. As a result, some 20,000 new refugees have sought refuge in Thailand's Umphang and Kachanaburi districts. However, between 24 and 27 February some 3,000 refugees were either refused entry into Thailand or were pushed back into Myanmar by the Thai military, into areas where the military offensive was ongoing.

13. Thailand's admission of refugees in the Umphang area, and the provision of a temporary camp for the 15,000 in this area, is welcomed. However, Thailand is bound by customary international law to all those fleeing from Myanmar and must therefore respect the principle of non-refoulement.

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